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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/850,996 05/05/97 LYDECKER

G 3464/3

EXAMINER

WM02/0104

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270 MADISON AVENUE

NEW YORK NY 10016

MET. X

ART. UNIT

PAPER NUMBER

2644

DATE MAILED

01/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/850,996

Applicant(s)

Lydecker et al.

Examiner

Xu Mei

Group Art Unit

2644



☒ Responsive to communication(s) filed on Oct 18, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) 15-17 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 and 18-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2644

**DETAILED ACTION**

1. This communication is responsive to the applicant's amendment dated 10/18/2000.

2. Applicant's election without traverse of invention I (claims 1-14) in Paper No. 10 is acknowledged.

Claims 15-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 10.

3. Claim 24 is objected to because of the following informalities: "pysical conditions" in lines 2-3 appears should be --physical conditions--. Appropriate correction is required.

***Claim Rejections - 35 U.S.C. § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 26-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to described the claimed limitation: "a local data sensing circuit for senses the local data" as in claim 26.

6. Claims 2, 8, 3-4, 6, 12, 10, 14, and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of claims 2-4 recites the limitation "said/the media" and "the playback medium". There are insufficient antecedent basis for this limitations in the claims.

Claim 14 is an incomplete claim because there is no punctuation presented at the end of the claim.

Claim 24 recites the limitation "the replay". There is insufficient antecedent basis for this limitation in the claim.

7. Claims 26-27 are too indefinite to examine against art at this time.

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8. The following art rejections are applied from what is best understood of the claims in view of the 112 first and second paragraph problems listed above.

*Claim Rejections - 35 U.S.C. § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 13, 18-25 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anderson et al. (US-5406634, hereinafter, Anderson). Communication receiver 28 in Fig. 2 performs a demultiplexing operation on audio and control data from TDM bus. The control data contains channel select data as claimed. See also Fig. 7 for various parameters control and external controls/display element 41.

*Claim Rejections - 35 U.S.C. § 103*

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-6, 28-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson.

Regarding claims 5-6 and 28-29, audio signal compensation including active noise cancellation (ANC) system (auto volume control according to ambient noise, for example) is old and well known in the audio art. It would have been obvious to one of ordinary skill in the art to modify the system taught by Anderson with a well known ANC system in order to generate clearer audio output with the system including auto ambient noise control capability.

Regarding claims 31-32, to generalize the use of Anderson's system in a recording medium for the purpose of later playback, portable and user friendly (i.e., instead of the audio data distributed through the TDM line, the processed audio signal as in Fig. 1 clearly can be recorded in a recording medium for later playback purpose) would have been obvious for one of ordinary

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skill in the art. The control data with information indicative of recording conditions (i.e., recorded audio control data for volume, delay, etc.) during recording process of the audio signals is inherent when the audio and control data is being recorded in the recording medium.

13. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Begault (US-5,438,623).

Regarding claims 7-12, Begault discloses a HRTF audio reproducing system with a loop closing subsystem interfaced to a playback system with delay means, signal (i.e., test or any type of audio signal) generator, precision microphones for producing a sound output corresponding to received audio processed signal to increase stereophonic effect of the audio signals perceived by the listener. It would have been obvious for one of ordinary skill in the art to combines the teachings of Anderson and Begault in order to have an improve audio reproduction system with greater stereophonic perception effect for the listener.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoque, Okamura et al., Silzle et al. and Furuhashi are made of record here as pertinent art to the claimed invention.

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15. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 or 308-6296 (for formal communications intended for entry)

Or:

(703) 308-6306 or 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is (703) 308-6610.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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## IMPORTANT NOTICE

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The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all



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further correspondence regarding this application  
should be directed to Group Art Unit **2644**.



**XU MEI**  
**PATENT EXAMINER**

Group 2600  
12/30/2000